



**State of New Hampshire  
LIQUOR COMMISSION**  
Division of Enforcement & Licensing  
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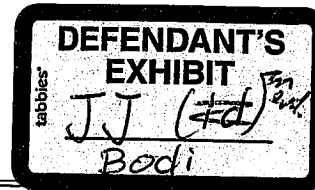


Over \$2 billion in profits  
to New Hampshire

Eddie Edwards  
Director  
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Mark M. Bodi  
Chairman

Richard E. Simard  
Commissioner



*"Helping Kids Make the Right Choice - Alcohol and Tobacco Free!"*

December 17, 2009

To whom it may concern,

This letter is written after great consideration and with regret for its necessity. I am confident the significance of the matter addressed herein, substantiates its submittal for the purposes of documentation and any further action deemed appropriate.

In my capacity as a Sergeant with the New Hampshire State Liquor Commission, Division of Enforcement, I was recently involved in the investigation of liquor-related matters at a licensed establishment in Keene, NH. During the subsequent investigation of the incident, a follow-up visit to the establishment was required.

While there, I was approached by a subject who I recognized as a New Hampshire State Representative Daniel Eaton, who shook my hand and after identifying myself he asked me to repeat my name. When I told him, he wrote it down and did not say anything further. He then joined the owner of the establishment behind the bar area, who was reviewing surveillance video from the time of the incident.

I found Mr. Eaton's interaction intimidating and aggressive. I felt intimidated because I have heard from different people that Mr. Eaton does not like the Division of Enforcement, and specifically Director Edwards. I heard from outside sources that Mr. Eaton "despises" the Liquor Commission. When he showed up in the middle of my investigation, I feared that he was investigating me and my actions to try and use them to discredit the Division of Enforcement and the people I work with.

I have had opportunities in the past to converse with various political officials. These interactions and experiences were positive and usually overwhelmingly friendly. I feel that my contact with Mr. Eaton on this day did not contain a positive connotation. This is especially true because he does not know me as a person, where I live or even if I was a constituent of his. The only thing I think he knew was that I worked for the Division of Enforcement. He was not an involved participant with the matter I was investigating which made me feel uncomfortable with his presence while I conducted official business. Mr. Eaton appeared to have arrived at the establishment with another person I believe to be a New Hampshire State Representative named [redacted]. I did not have any interaction with this second individual prior to or on the date of this incident. Neither Mr. Eaton or Guss appeared to have any family members with them, and appeared to have arrived for the sole purpose of evaluating or investigating my actions. When they arrived, the owners wife announced their presence by stating "Dan is here". This made me feel uncomfortable and I feel the owner of the establishment is using his personal friendships with political figures to intimidate us. Prior to leaving, I heard the owner of

the establishment say out loud something referencing: "See, I told you this would happen". I completed my pertinent duties and left.

Additional follow-up was conducted on the next day at the same establishment in Keene, NH. Three minutes after arriving at the establishment, the owner called somebody on his telephone named "Dan." I believe this to be Mr. Eaton as well. However, I completed my follow-up investigation and left prior to "Dan" or anybody else arriving.

The next day, I spoke with my commanding officer who ordered the seized evidence pursuant to a search warrant, be returned that day (less than 48 hours from seizing it). I told my commanding officer that I was not finished gathering the video footage from the seized video data recorder. My commanding officer then told me to gather the needed evidence and return the video data recorder that day. When I initially seized these items, I told the owner of the establishment that they would probably be released back to him after this case is concluded. This made me feel like there may have been elected officials influencing the return of the property seized, which made me believe my investigation was being negatively influenced.

Lastly, it concerns me greatly that a New Hampshire State Representative would appear to act in an official manner in a community the legislator does not represent. I later learned that Mr. Eaton does not have any constituents in the City of Keene.

As a result of this investigation, I am now faced with the knowledge an elected official may have acted in a manner clearly in conflict of the New Hampshire Court Ethics Booklet - Guidelines, Ethics, Statutes and Procedural Rules, specifically included in, but not limited to Section 4, VII (c).

have no personal or professional choice, but to submit this information, lest I might otherwise be of similar ethical questionability. I feel it is important to request the inquiry of the public official's intent and purpose for their involvement. As a New Hampshire citizen, and state employee; I feel that it is my duty to inquire. I am concerned that this formal letter requesting inquiry may result in future actions considered to be retaliation from the State Representatives listed above to me and my agency. However, I feel the importance for me to make this inquiry outweighs my concerns. I remain available for any required communication in support of the resolution of this unfortunate matter.

Respectfully submitted,

Joseph R. Fussell  
Sergeant